

PROPOSED MINUTES
LAKETOWN TOWNSHIP
ZONING BOARD OF APPEALS
4338 BEELINE ROAD
ALLEGAN COUNTY
HOLLAND, MI 49423
(616) 335-3050

January 26, 2014

ARTICLE I. CALL TO ORDER

David Weishaar called the regular monthly Zoning Board of Appeals meeting to order at 7:00 P.M. Mr. Weishaar introduced the members of the board and staff to the audience.

MEMBERS PRESENT: David Weishaar, Steve Brunink, Bob Slikkers,
Ed Stielstra, Carl Blauwkamp

MEMBERS ABSENT: Glenn Voss

STAFF PRESENT: Al Meshkin – Township Manager
Diane Ybarra – Recording Secretary
Rod Schermer – Township Attorney

ARTICLE II. APPROVAL OF MINUTES

The Zoning Board of Appeals members reviewed the minutes of the November 24, 2014 meeting. **A motion was made by Bob Slikkers and seconded by Steve Brunink to approve the minutes as submitted. UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE III. OLD BUSINESS

A. RPE TRUST VARIANCE REQUEST

RPE Trust, owner or agent of property located at 797 Lakeside Drive, Lot #179, that being tax parcel #0311-340-179-00, requests a variance from section 38-242 of the Zoning Code. This section requires minimum front, rear and side setbacks. RPE Trust would like to construct a new cottage on this parcel that would not meet these minimum setback requirements.

Garth Everhart asked that the variances be approved.

Al Meshkin stated that the Planning Commission approved the special use for parcel #179 by way of resolution and report. The township attorney drafted a similar resolution and report for the Zoning Board of Appeals. Al's interpretation of Ordinance 38.465 is a variance is not necessary if you have a special use approved. The legal counsel interpreted it differently so we should clear up our language on Ordinance 38.465. Al will discuss this with the planning commission.

David Weishaar confirmed that the ownership is not the Zoning Board's issue. Carl Blauwkamp stated he thought the ownership is part of our issue and Bob Slikkers responded that at the close of the last meeting it was decided that ownership is not an issue that belongs with the ZBA or the Planning Commission. Al stated that paragraph 3. f. of the report addresses this issue, "The approval of this Project is conditioned upon the Applicant being the owner of the Parcel as shown on the Site Plan, and the Parcel being an existing lot of record according to the Code, both of which conditions are being disputed; otherwise this approval is of no legal effect."

Following discussion, **a motion was made by Bob Slikkers and seconded by Carl Blauwkamp to adopts for approval of the resolution and report for the RPE Trust Variance Request meeting the criteria stated in Section 38.118(1) and Section 38.465(b)(1)(2), permitted by the standard, contingent upon complying with the application and contingent upon complying with all federal, state, county and township laws and ordinances and the verbal representation provided at this meeting and in the minutes. Chairman Weishaar called for a vote on the motion.**
UNANIMOUS DECISION – MOTION APPROVED

ARTICLE IV. NEW BUSINESS

A. RPE TRUST VARIANCE REQUEST #2

RPE Trust, owner or agent of property located at 2244 Griswold Avenue, lots #190, #191 and #221 of Macatawa Park that being tax parcel #0311-340-190-00, requests a variance from section 38-242 of the Zoning Code. This section requires minimum front, rear and side setbacks. RPE Trust would like to construct a new cottage on this parcel that would not meet these minimum setback requirements. David Weishaar reviewed the request.

Mr. Garth Everhart shared drawings to discuss the two applications explaining the parcels lines and the proposed construction placement and parking area. He also provided aerial photos of the project. The DEQ permit has been issued for the project. The two-story cottage will be placed on parcels #190 and #191. Mr. Everhart gave an overview of the details of the construction. There is a quick claim deed for the property in question of ownership. Mr. Everhart also discussed the height of the project and that of other cottages in the area. He feels in terms of comparisons his cottage is comparable to those in the surrounding area. He will also rebuild the corner area in question as part of the water and sewer project.

Chairman Weishaar opened the public hearing.

Mark Holtz of Macatawa agreed with Paul Brown's comments regarding the water runoff. He is asking where the parking would be, is it on lot 221? Mark stated that lot would be right behind his home and there would be concern if a wall would be built there. The dune must be kept in place. The other concern is we think one cottage would fit better than two cottages. Every lot up there is out of control; the lots are very narrow and should not be considered two. My biggest objection was the parking but I am less concerned now. It is important to push the project up further up the dune and concern for the contractors that will be working on the project. There should not be any variance on the west side of the project.

Randy Schipper represented Roy and Cynthia Welton owners of property adjoining the land referred in the RPE Trust project. A letter of objection was submitted and Mr. Schipper reviewed the items highlighting that the property is really one parcel and not five parcels; the applicant did not apply for all variances necessary to build the desired cottages; the applicant claims the lots were created before the adoption of the zoning ordinance implying that they need to be treated as platted which is not correct; the application does not show topographical detail and the applicant could reduce the extent of the variances requested by eliminating one proposed dwelling and by reducing the size of the proposed dwelling.

Bob Slikkers stated that two of the issues you mentioned were debated at length at previous meetings.

Hearing no further public comments, David Weishaar closed the public hearing.

David Weishaar stated he would like these types of requests to be handled by the Planning Commission first and then come to the Zoning Board.

Bob Slikkers stated that in a previous discussion it was determined it had been more of a timing issue for the Planning Commission before the ZBA.

Rod Schermer stated we recommend the Planning Commission go first in these situations. If the Planning Commission approves the site plan as is or if a variance is necessary it will then come before the ZBA. He recommends tabling for a month to obtain a resolution and report and then the Planning Commission would meet before the next ZBA. David Weishaar said the same applies to the next request as well.

Bob Slikkers stated he prefers to have a report drawn by legal.

Carl Blauwkamp has no comment.

Steve Brunink would like to table the request.

Ed Stielstra would like to see the Planning Commission review the item although it would not prejudice one over the other.

Following discussion, **a motion was made by Bob Slikkers and seconded by Steve Brunink to table the item pending the Planning Commission review and decision and the request for counsel to draft a resolution and report to detail the conditions of approval not to exceed three months.**

Rod Schermer asked to clarify the motion. Rod Schermer also stated that while a report and resolution is prepared, it does not compel the Planning Commission or ZBA to approve the request but provides details and conditions of the approval.

**Chairman Weishaar called for a vote on the motion.
UNANIMOUS DECISION – MOTION APPROVED**

B. RPE TRUST VARIANCE REQUEST #3

RPE Trust, owner or agent of property located at 2411 Griswold Avenue, lots #219 and #220 of Macatawa Park that being tax parcel #0311-340-219-00, requests a variance from section 38-242 of the Zoning Code. This section requires minimum front, rear and side setbacks. RPE Trust would like to construct a new cottage on this parcel that would not meet these minimum setback requirements. Chairman Weishaar reviewed the request.

Mr. Everhart provided drawings of the proposed construction and building area. This is a two-story dwelling with a ground level garage making it three-story with a driveway. The DEQ permits have been obtained for this project. He provided aerial views of this project depicting the other neighboring cottages of which his proposed construction is comparable. On the issue of drainage it has a dry well so the water comes off the roof.

Bob Slikkers read onto record an email from Paul D. Brown of 2405 Griswold Walk expressing concerns about the surveyed parcels and parking and also water runoff from cottages and parking spots causing drain and erosion issues.

Chairman Weishaar opened the public hearing.

Randy Schipper of Cunningham Dalman reviewed the letter submitted addressing this application as well. This should be considered one parcel, particularly this request for variance. The proposed home is 4800 sf of living space, twice the size of the average home for a cottage. Shrinking it down in size could protect the dunes considerably. The key point is that Ordinance 38.487 states building should be done to avoid disturbing natural vegetation. The Planning Commission should go first before the ZBA acting on this request. There should be one dwelling on this whole property.

Mr. Everhart stated that he is minimizing the dune impact which was discussed at length with the DEQ so feels we are minimizing impact to vegetation and our neighbors. There is a fair amount of work that goes on with the DEQ before we even get to this point.

Hearing no further public comment, David Weishaar closed the public hearing.

Carl Blauwkamp asked if there is a topographical photo map. Bob Slikkers stated that there is one in the packet.

David Weishaar noted the conditions are the same as the other request.

Following discussion, **a motion was made by Bob Slikkers and seconded by Ed Stielstra table the item pending the Planning Commission review and decision and the request for counsel to draft a resolution and report to detail the conditions of approval not to exceed three months.**

**Chairman Weishaar called for a vote on the motion.
UNANIMOUS DECISION – MOTION APPROVED**

C. BROOME VARIANCE REQUEST

Mark and Karen Broome, owners or agents of property located at Forest Beach Unit 39, that being tax parcel #0311-170-039-00, requests a variance from section 38-242 of the Zoning Code. This section requires minimum front, rear and side setbacks. Broome would like to construct a new home on this parcel that would not meet these minimum setback requirements. David Weishaar gave an overview of the request.

Jim Cook represented Mark Broome explaining the requested variance. He worked with the DEQ and Holland Engineering to tailor the home to fit on the property and meet the minimum requirement of the association with just over 2,000 sf of living space. The construction complies with both sides and rear setbacks and based on DEQ requirements we are forced with the current position of the house with a 21 foot setback on the front. The DEQ verbally approved the permit contingent on the soil erosion permit from Allegan County.

Carl Blauwkamp asked if there is something in writing and Jim Cook provided an email from the DEQ office.

Steve Brunink asked about the staircase. Bob Slikkers expressed concern about the staircase being in the road right of way. Bob asked for clarification of the driveway and parking.

Chairman Weishaar opened the public hearing. Having no public comments, Chairman Weishaar closed the public hearing.

Following discussion, **a motion was made by Carl Blauwkamp and seconded by Ed Stielstra to approve the Broome Variance Request in compliance with criteria in Zoning Ordinance 38.487, current P.U.D. provisions, construction according to site plan with adjustment for the staircase as discussed in this meeting and all federal, state, county and township laws and ordinances and the verbal representation provided at this meeting and in the minutes.**

**Chairman Weishaar called for a vote on the motion
UNANIMOUS DECISION – MOTION APPROVED**

D. OFFICER APPOINTMENT

Following discussion, **a motion was made by Carl Blauwkamp and seconded by Bob Slikkers to approve the current slate of officers: David Weishaar – Chair, Bob Slikkers – Vice Chair and Ed Stielstra – Secretary.**

**Chairman Weishaar called for a vote on the motion
UNANIMOUS DECISION – MOTION APPROVED**

ARTICLE V. CITIZENS COMMENTS – No comments.

ARTICLE VI. ADJOURNMENT

Chairman Weishaar adjourned the meeting at 8:12 P.M.